

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRYAN ALLEN CARY,

Plaintiff,

Case No. 24-cv-10489

Hon. Matthew F. Leitman

v.

CREWS *et al.*,

Defendant.

**ORDER DENYING PLAINTIFF'S MOTION FOR TEMPORARY
RESTRAINING ORDER – PRELIMINARY INJUNCTION (ECF NO. 3.)**

This is a prisoner's civil rights action brought by Plaintiff Bryan Allen Cary against employees of the Gus Harrison Correctional Facility. (*See* Compl., ECF No. 1.) Now pending before the Court is Cary's Motion for Temporary Restraining Order – Preliminary Injunction. (*See* Mot., ECF No. 3.) In its entirety, the motion provides as follows:

1. Force Defendants to put me on in cell protective custody so I can eat and not have to be assaulted further.
2. Force Defendants to transfer me to another facility where I'll be safer, the following STG's have hits on me to have me beat up, stabbed and murdered, Latin Kings, Latin Counts, Vice Lords, Bloods, Gangster Disciples, Vice Lords, Iron Coffins.
3. Transfer to a Lower Security Level which policy allows to be done for protection reasons, or transfer to a protective custody unit.
4. Move the guys after me to another unit.

(Mot., EFC No 3.)

Cary's motion fails to satisfy the standard for TRO and preliminary injunction motions. The Court evaluates motions for a TRO or a preliminary injunction under the same four-factor test: (1) whether the movant has a strong likelihood of success on the merits, (2) whether the movant would suffer irreparable harm absent a TRO, (3) whether granting a TRO would cause "substantial harm" to others, and (4) whether the public interest would be served by the issuance of a TRO. *See Ohio Republican Party v. Brunner*, 543 F.3d 357, 361 (6th Cir. 2008). As the movant, Cary bears the burden of demonstrating he is entitled to a TRO or a preliminary injunction. *See Jones v. Caruso*, 569 F.3d 258, 265 (6th Cir. 2009). Cary has not attempted to show that any of the relevant factors favor granting his request for a preliminary injunction here.

Cary's Motion for a Temporary Restraining Order – Preliminary Injunction (ECF No. 3) is therefore **DENIED**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: May 15, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 15, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126